

UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

FCC's Task Force To Promote        )  
Wireless Broadband Technologies    )       FCC Docket 04-163

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MOTION FOR EXTENSION OF COMMENT DEADLINES  
BY DON SCHELLHARDT, ESQUIRE  
AND NICKOLAUS E. LEGGETT

Acting as individuals, Don Schellhardt, Esquire and Nickolaus E. Leggett submit this Motion to extend the currently scheduled comment deadlines in FCC Docket 04-163.

We note that the solicitation of public comments in this Docket was posted on the FCC's Web Site on Wednesday, May 5, with the Written Comments deadline set at Thursday, June 3 and the Reply Comments deadline set at Thursday, July 1. The first date is 30 days after, and the second date is 60 days after, the *electronic posting* date.

This is *not* the usual procedure used by the FCC, and other Federal regulatory agencies, in calculating a comment period. The usual formula for calculating the earliest acceptable Written Comments deadline is 30 days, or more, after the *FEDERAL REGISTER publication* date. Typically, another 30 days, or more, are then added to allow for the preparation and filing of Reply Comments.

Since FEDERAL REGISTER publication has not happened yet, we cannot specify what the dates for the comment deadlines should be. We do know, however, that June 3 and July 1 are too early.

If the solicitation of public comments were published in the FEDERAL REGISTER *tomorrow*, the appropriate comment deadlines would be no earlier than Monday, June 14 and Tuesday, July 12 -- adding more than a week to the current comment period.

If the present comment deadlines are *not* changed, then any parties who rely exclusively upon the FEDERAL REGISTER may have little or no notification of the Docket 04-163 proceedings before their Written Comments are due. Indeed, they have already lost more than a week! Such a development would constitute an effective deprivation of these parties' basic rights to "notice and comment". It would also distort the pool of comments -- by giving those of us who rely on electronic posting an unjustified advantage over those who continue to rely on the FEDERAL REGISTER.

The FCC should need no reminder that the FEDERAL REGISTER is still the official "voice of the Federal Government" for announcements and rulemakings. It has played this role for longer than the lifetime of anyone who reads these words.

Should the Commission believe the time has come to end public reliance on the FEDERAL REGISTER, requiring people to learn about their own government's actions through electronic means alone, the FCC should express its intentions openly and settle in for a long and weighty, and probably testy, public debate. It must also be prepared to present a clear, compelling case for why "warp speed deliberations" are necessary.

To "deep six" the FEDERAL REGISTER silently and secretly, by implication alone, is inexcusable.

We ask the Commission to correct this procedural problem immediately -- by changing the Written Comments deadline to the FEDERAL REGISTER publication date plus 30 days, and changing the Reply Comments deadline to the FEDERAL REGISTER publication date plus 60 days.

Respectfully submitted,

Don Schellhardt, Esquire  
45 Bracewood Road  
Waterbury, Connecticut 06706  
[pioneerpath@earthlink.net](mailto:pioneerpath@earthlink.net)  
203/756-7310

Nickolaus E. Leggett N3NL  
1432 Northgate Square  
#2A  
Reston, Virginia 20190  
[nleggett@earthlink.net](mailto:nleggett@earthlink.net)  
703/709-0752

Dated: \_\_\_\_\_  
May 12, 2004